

January 28, 1999



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

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Attorney General

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Mr. Sim W. Goodall  
Police Legal Advisor  
Arlington Police Department  
P. O. Box 2315  
Arlington, Texas 76004-0231

OR99-0262

Dear Mr. Goodall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121739.

The Arlington Police Department (the "department") received a request for a police report relating to a theft charge. You contend that the report is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. We agree.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions such as Family Code section 58.007. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. The relevant language of section 58.007(c) reads as follows:

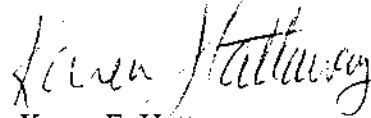
(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

The report at issue is a law enforcement record concerning juvenile conduct that occurred after September 1, 1997. Thus, the report is confidential pursuant to section 58.007(c) of the Family Code. Section 58.007 does not give the requestor a right of access to the report. *See* Fam. Code § 58.007(d)-(g). Accordingly, the department must withhold the report from disclosure under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Karen Hattaway".

Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref:: ID# 121739

Enclosures: Submitted documents

cc: Ms. Karen Lucas  
4205 Bellglen Court  
Arlington, Texas 76016  
(w/o enclosures)